

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

IN RE SUBPOENA OF  
RICHARD SEDDON.

MC 22-08-BLG-SPW-TJC

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**DECLARATION OF MARK H. COUSENS**

My name is Mark H. Cousens. I am counsel to Plaintiff in litigation pending in the Eastern District of Michigan as *AFT Michigan v Project Veritas et al*, case 17-cv-13292. I make this declaration under penalties of perjury.

1. Following an extensive search, on June 26, 2021, Richard Seddon was located and served with a subpoena to testify in a deposition.

2. The subpoena noticed the deposition for August 16, 2021. However as the date and location were chosen unilaterally, I expected that both would be modified following communication with counsel for Mr. Seddon.
3. To insure that the subpoena could be enforced, Plaintiff filed a motion for leave to permit the taking of Mr. Seddon's deposition despite the conclusion of discovery.
4. This motion was granted by Judge L. Parker on March 14, 2022.
5. Notice was provided to Ian Northam, attorney, who had identified himself as counsel to Mr. Seddon.
6. Mr. Northam notified me that Andrew Sears of Cheyenne WY would represent Mr. Seddon with regard to the taking of the deposition.
7. Communication ensued between me and Mr. Sears in which a date and location for the deposition were mutually approved.
8. The deposition is scheduled for August 18, 2022, to be conducted at the Northern Hotel, Billings, MT.
9. I computed the distance from Mr. Seddon's residence in Powell, WY to Billings, MT and determined that a witness fee of \$124.10 was due. The amount reflected a \$40.00 witness fee and mileage at current rates.
10. On May 26, 2022 I sent a fully formatted subpoena and notice of taking deposition to Mr. Sears who had agreed to accept service.
11. Accompanying the subpoena and notice was my office check number 17853 in the amount of \$124.10.
12. The subpoena, notice and check were sent to Mr. Sears by United Parcel Service. Confirmation of delivery was received noting delivery on June 2, 2022.

13. Check number 17853 was sent with the subpoena and Mr. Seddon's counsel acknowledges receipt of the subpoena.
14. As of this date check number 17853 has not been negotiated and remains outstanding.
15. Notwithstanding assertions in the brief filed with this Court, a check was issued, sent and delivered.
16. A replacement check for \$124.10 is available and will be provided to Mr. Seddon, his Wyoming Counsel or his Montana Counsel on request.
17. I was not contacted by any counsel for Mr. Seddon to notify me that a witness fee had not been received.
18. I was not contacted by any counsel for Mr. Seddon to ask for my concurrence in this motion or any aspect of the relief sought.

Declared Under the Penalty of Perjury

/s/ Mark H. Cousens  
Mark H. Cousens

Date: July 6, 2022